

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

RP.No. 622 of 2003

AGAINST THE JUDGEMENT/ORDER IN CRP.2937/2001 Dated 22/02/2002
AA.547/1997 of APPELLATE AUTHORITY, LAND REFORMS, KANNUR
(IA.123/97)
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PETITIONERS/REVISION PETITIONERS/APPELLANTS

1. VASUDEVAN NAMBISSAN,
KOTTOOR MADATHIL HOUSE, S/O.CHERIYA VISHNU
NAMBISSAN, ALAPPADAMBA AMSOM DESOM,
ALAPPADAMBA P.O.
2. CHEPPAVI KOTTE MADATHIL,
NARAYANAN NAMBISSAN, S/O. LATE DAMODARAN NAMBISSAN
(THROUGH POWER OF ATTORNEY HOLDER
VASUDEVAN NAMBISSAN)

BY ADV. SRI.T.A.RAMADASAN

RESPONDENTS: RESPONDENTS

1. M.T.P.MOOSAN KUTTY, S/O. MOHAMMED,
VADAKKUMBAD, KARIVELLUR, TALIPARAMBA TALUK.
2. STATE OF KERALA, REP; BY CHIEF
SECRETARY TO GOVT. OF KERALA, TRIVANDRUM.

BY ADV. SRI.M.SASINDRAN
PUBLIC PROSECUTOR SRI.V.T.K.MOHANAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
23/02/2007, ALONG WITH RP NO. 469 OF 2003 THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

R.P.NO.622 OF 2003

Dated this the 23th day of February 2007

ORDER

The prayer in this review petition filed by the petitioner in C.R.P.2937/01 is to review the order passed by this court upholding the order of the appellate authority (Land Reforms, Kannur) dismissing AA 547/97 on the file of that authority consequent on dismissal of application for condonation of delay (I.A.123/97). According to the petitioners, no summons was served on Cheriya Vishnu Nambisan/the respondent in SM 7489/75 during his life time nor to the petitioners who are his legal heirs after his death and the petitioners could not produce the death certificate of Cheriya Vishnu Nambisan and that the error regarding the date of death of Cheriya Vishnu Nambisan is apparent on the phase of the record. It is worthy to note that this aspect was not attempted to be established as a ground to seek for condonation of delay before the appellate authority and is not seen urged even before this court while disposing of CRP 2937/01. The petitioners cannot produce fresh evidence and

urge for review of the order. The remedy in the circumstances is to challenge the order before the superior forum. Review petition in the circumstances is not maintainable.

This review petition is hence dismissed.

K.P.BALACHANDRAN, JUDGE

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K.P.BALACHANDRAN, J.

R.P.NO.622 OF 2003

ORDER

Dated 23th February 2007